

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1192 of 2020

Rajamuthu

... Petitioner

Vs

- 1.The State of Tamilnadu, Rep. By its
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -9.
- 2.The District Collector and District Magistrate,
Kancheepuram, Kancheepuram District.
- 3.The Superintendent of Prison,
Central Prison, Vellore, Vellore District.
- 4.The Superintendent of Police,
Kancheepuram, Kancheepuram District.
- 5.Inspector of Police,
Baluchettichatram Police Station,
Kancheepuram District. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records leading to the detention of the petitioner's son Dhatchanamoorthy, Son of Rajamuthu, male, aged about 27 years is presently lodged in Central Prison at Vellore and has been detained under Act 14/82 as a "Goonda" vide detention order dated 19.06.2020 on the file of the 2nd respondent herein, made in B.C.D.F.G.I.S.S.V.No.26/2020 and quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter, set him at liberty from the Central Prison, Vellore.

For Petitioner : Mr. M.Raja velu

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the father of Dhatchanamoorthy, Son of Rajamuthu, aged about 27 years, who is the detenu. The detenu has been detained by the second respondent by his order in B.C.D.F.G.I.S.S.S.V.No.26/2020 dated 19.06.2020, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the arrest intimation has not been properly translated in vernacular language. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record especially Page Nos.81 & 82 of the booklet, it is clear that the arrest intimation has not been properly translated in vernacular language. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in B.C.D.F.G.I.S.S.S.V.No.26/2020 dated 19.06.2020 passed by the second respondent is set aside. The detenu, namely, Dhatchanamoorthy, Son of Rajamuthu, aged about 27 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

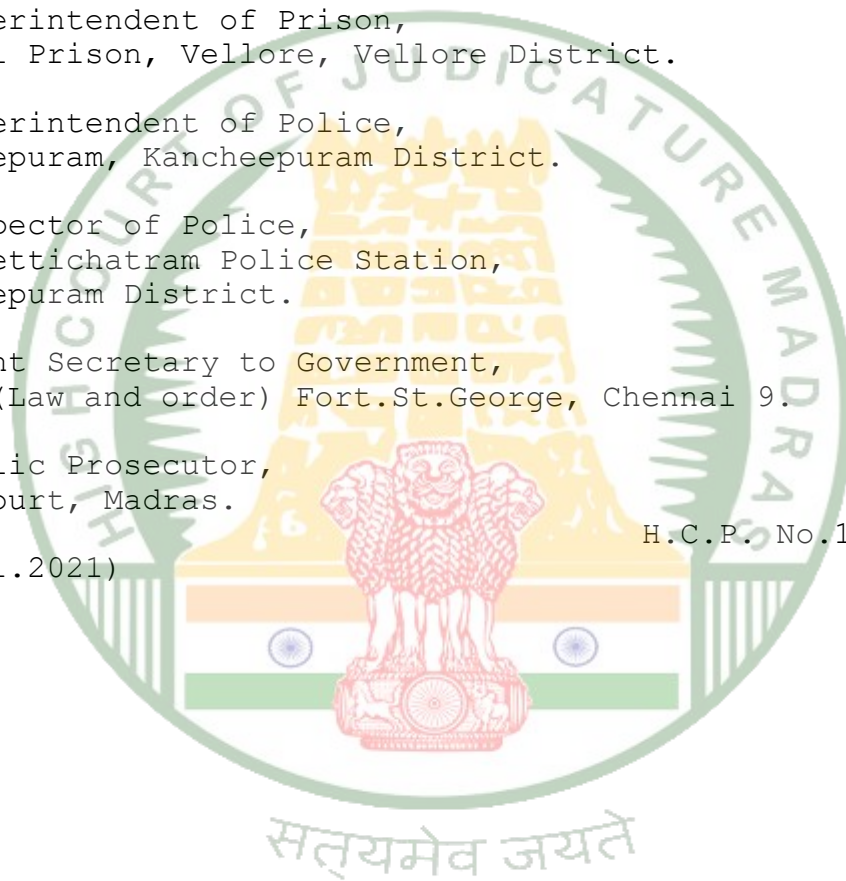
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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -9.
- 2.The District Collector and District Magistrate,
Kancheepuram, Kancheepuram District.
- 3.The Superintendent of Prison,
Central Prison, Vellore, Vellore District.
- 4.The Superintendent of Police,
Kancheepuram, Kancheepuram District.
- 5.The Inspector of Police,
Baluchettichatram Police Station,
Kancheepuram District.
- 6.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
- 7.The Public Prosecutor,
High Court, Madras.

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A.SK(18.01.2021)



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